

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

Plaintiff,

v.

CHARLES WHITMAN a.k.a. Chuck
Whitman, C.T.W. DEVELOPMENT
CORPORATION, RESTAURANT
CONCEPTS UNLIMITED
CORPORATION,

Defendants.

Civil Action No. 1:05-cv-10780-NMG

DEFENDANTS' LR 26.2(A) AUTOMATIC DISCLOSURE

Defendants C.T.W. Development Corporation, Charles Whitman a.k.a. Chuck Whitman, and Restaurant Concepts Unlimited Corporation make the following automatic disclosure in accordance with LR 26.2(A) and Fed. R. Civ. P. 26(a)(1). Defendants reserve the right to supplement this initial disclosure as provided by the applicable Federal and Local Rules. Such supplementation may be necessitated by discovery, or by other information or developments subsequent to the preparation of this initial disclosure. Nothing in this initial disclosure is intended to be an admission of fact, an affirmation of the admissibility of any document or testimony, or an agreement with or an acceptance of any legal theories, claims, defenses, or positions of Plaintiff. Moreover, Defendants file this pleading subject to, and without waiver of, their defense in this action that this Court lacks personal jurisdiction over the Defendants.

A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

1. Charles Whitman

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

2. David Turner

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

3. Mollie Turner

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

4. Russell Savrann

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

5. Gary Serino

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

6. Randy Jones

Former employee of Plaintiff's predecessor-in-interest with knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

7. Edward Daley

Former employee of Plaintiff's predecessor-in-interest with knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

8. Matthew Giannini, Esq.

Knowledge regarding factual allegations in the Complaint and the agreements at issue in this action.

B. RELEVANT DOCUMENTS AND OTHER MATERIALS IN THE POSSESSION OF DEFENDANTS

Defendants may use any or all of the following documents in connection with their defense of this action:

1. All documents produced by Plaintiff in connection with this action;

2. Agreements and correspondence between and among The Ground Round, Inc., Restaurant Concepts Unlimited Corp., D&M Turner Enterprises, Inc., Mollie Turner, David Turner, and Charles Whitman;
3. Correspondence between Plaintiff and Defendants;
4. Correspondence between Ohio Department of Taxation and Restaurant Concepts Unlimited Corp.; and
5. Correspondence between American Hospitality Concepts, Inc. and Restaurant Concepts Unlimited Corp.

C. DAMAGES

Not applicable.

D. INSURANCE

Defendants are not currently aware of any insurance which may be available to satisfy any judgment rendered in this action.

Respectfully submitted,

/s/ Stephen D. Riden

Thomas I. Elkind, Esq. (BBO # 153080)

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Counsel for Defendants Charles Whitman
a.k.a. Chuck Whitman, C.T.W. Development
Corporation, and Restaurant Concepts
Unlimited Corporation

Dated: September 21, 2005